



**Five-Year Review Report**  
**Third Five-Year Review Report**  
**for**  
**Wheeler Pit Site**  
**LaPrairie Township**  
**Rock County, Wisconsin**

**September 2007**

**PREPARED BY:**

**Wisconsin Department of Natural Resources**  
**South Central Region – Fitchburg**

Approved by: \_\_\_\_\_

Date: \_\_\_\_\_

9/18/07

for **Richard C. Karl, Director**  
**Superfund Division**

**Third Five-Year Review Report**  
**Table of Contents**

<b>List of Acronyms</b>	<b>4</b>
<b>Executive Summary</b>	<b>5</b>
<b>Five-Year Review Summary Form</b>	<b>6</b>
<b>I. Introduction</b>	<b>8</b>
<b>II. Site Chronology</b>	<b>9</b>
<b>III. Background</b>	<b>10</b>
Physical Characteristics	
Land and Resource Use	
Contamination History	
Initial Response	
Basis for Taking Action	
<b>IV. Remedial Actions</b>	<b>12</b>
Remedy Selection	
<i>Remedy Implementation</i>	
Institutional Controls	
System Operation and Operation and Maintenance (O&M)	
Remediation Results to Date -Interpretation/Discussion	
<b>V Progress Since the Last Five-Year Review</b>	<b>16</b>
<b>VI Five-Year Review Process</b>	<b>16</b>
Administrative Components	
Community Notification and Involvement	
Document Review	
Data Review	
Site Inspection	
Interviews	

<b>VII. Technical Assessment</b>	<b>21</b>
<i>Question A:</i> Is the remedy functioning as intended by the decision documents?	
<i>Question B:</i> Are the exposure assumptions, toxicity data, cleanup levels, and remedial action objectives (RAOs) used at the time of the remedy selection still valid?	
<i>Question C:</i> Has any other information come to light that could call into question the protectiveness of the remedy?	
<b>VIII. Issues</b>	<b>23</b>
<b>IX. Recommendation an Followup Action</b>	<b>23</b>
<b>X. Protectiveness Statement(s)</b>	<b>24</b>
<b>XI. Next Review</b>	<b>24</b>

## **Attachments**

### **Attachment 1-List of Documents Reviewed**

### **Attachment 2-Site Inspection Checklist**

### **Attachment 3-Public Notice of Start of Five-Year Review**

### **Attachment 4- Site Figures**

Figure 1- Wheeler Pit Location Map

Figure 2- Monitoring Well and Residential Well Locations

### **Attachment 5-Restrictive Covenants for CMC Heartland and Roger Frank**

<b>Tables</b>	Table 1 - Chronology of Site Events	<b>9</b>
	Table 2 – Institutional Controls Summary Table	<b>14</b>
	Table 3 – Actions Taken Since the Last Five-Year Review	<b>16</b>
	Table 4- Groundwater Monitoring Well Results-May 2007	<b>18</b>
	Table 5- Private Residential Well Groundwater Monitoring Results –May 2007	<b>20</b>
	Table 6- Issues	<b>23</b>
	Table 7- Recommendations and Follow-up Actions	<b>23</b>

## List of Acronyms

AOC	Administrative Order on Consent
ARAR	Applicable or Relevant and Appropriate Requirement
BTEX	Benzene/Toluene/Ethylbenzene/Xylene Contaminant Mixture
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	Code of Federal Regulations
ESD	Explanation of Significant Differences
LFG	Landfill Gas collection and treatment equipment
MCL	Maximum Contaminant Level
NCP	National Contingency Plan
NPL	National Priorities List
O&M	Operation and Maintenance
PAL	Preventative Action Limit
PCOR	Preliminary Close-Out Report
PRP	Potentially Responsible Party
RA	Remedial Action
RAO	Remedial Action Objective
RD	Remedial Design
RI/FS	Remedial Investigation/Feasibility Study
ROD	Record of Decision
SDWA	Safe Drinking Water Act
USGS	United States Geological Survey
U.S. EPA	United States Environmental Protection Agency
VOC	Volatile Organic Compound
WAC	Wisconsin Administrative Code
WDNR	Wisconsin Department of Natural Resources
WPDES	Wisconsin Pollutant Discharge Elimination System

## **Executive Summary**

The remedy for the Wheeler Pit site in La Prairie Township, Rock County, Wisconsin included a multilayer landfill cap, institutional controls and monitored natural attenuation of contaminated groundwater. The site achieved construction completion with the signing of the Preliminary Close-Out Report on December 29, 1992. This is the third five-year review for the site and is being conducted by the Wisconsin Department of Natural Resources. The trigger for this five-year review is the signature date of the second five-year review completed by the United States Environmental Protection Agency, which was signed on September 18, 2002.

The assessment of this five-year review found that the remedy was constructed in accordance with the Record of Decision (ROD) and the Subsequent Explanation of Significant Differences (ESD) and is functioning as designed.

The remedy implemented at the Wheeler Pit Site is currently protective of human health and the environment in the short-term. The landfill cap is preventing direct contact with waste materials and minimizing the flow of water through the waste mass. Site use is consistent with deed and land use restrictions. Ground water clean up goals have been achieved at the site. However, in order for the remedy to be protective in the long-term, a review of the institutional controls (ICs) is needed to assure that the remedy continues to function as intended. Long-term protectiveness at the site requires compliance with land and ground water use restrictions. Long-term stewardship and monitoring is necessary to assure compliance with the use restrictions by maintaining and monitoring effective ICs and site remedy components.

## Five-Year Review Summary Form

SITE IDENTIFICATION		
Site name (from WasteLAN): Wheeler Pit Landfill		
EPA ID (from WasteLAN): WID980610620		
Region: 5	State: Wisconsin	City/County: LaPrairie Township, Rock County
SITE STATUS		
NPL status: Final <input checked="" type="checkbox"/> Deleted <input type="checkbox"/> Other (specify)		
Remediation status (choose all that apply): Under Construction Operating <input checked="" type="checkbox"/> Complete		
Multiple OUs? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Construction completion date: 12 / 29 / 1992	
Has site been put into reuse? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
REVIEW STATUS		
Lead agency: <input checked="" type="checkbox"/> EPA <input type="checkbox"/> State <input type="checkbox"/> Tribe <input type="checkbox"/> Other Federal Agency		
Author(s) name: Michael Schmoller		
Author(s) title: Remedial Project Manager	Author(s) affiliation: WDNR	
Review period: 11/29/2006 to 09/07		
Date(s) of site inspection: January 9, 2007		
Type of review: <input checked="" type="checkbox"/> Post-SARA <input type="checkbox"/> Pre-SARA <input type="checkbox"/> NPL-Removal only <input type="checkbox"/> Non-NPL Remedial Action Site <input type="checkbox"/> NPL State/Tribe-lead <input type="checkbox"/> Regional Discretion		
Review number: 1 (first) 2 (second) <input checked="" type="checkbox"/> 3 (third) <input type="checkbox"/> Other(specify)		
Triggering action: <input type="checkbox"/> Actual RA Onsite Construction at OU # _____ <input type="checkbox"/> Actual RA Start at OU# _____ Construction Completion (PCOR) <input checked="" type="checkbox"/> Previous Five-Year Review Report <input type="checkbox"/> Other (specify)		
Triggering action date (from WasteLAN): 09/18/2002		
Due date (five years after triggering action date): 09/18/2007		

["OU" refers to operable unit.]

## Five-Year Review<sup>7</sup> Summary Form cont'd.

### Issues:

- 1.) The adequacy of the institutional controls (ICs) in the restrictive covenants and the future maintenance and monitoring of those institutional controls should be assessed.
- 2.) Effective ICs must be maintained and monitored to assure the continued protectiveness of the remedy.

### Recommendations and Follow-up Actions:

- 1.) IC evaluation activities should be completed by the Potentially Responsible Parties (PRPs). The IC evaluation will include: a.) An evaluation of the title for prior in-time encumbrances; b.) Maps should be developed to show the restrictions in place for both the on-site and off-site areas; and c.) An evaluation to determine what procedures should be put in place to ensure long-term IC stewardship such as regular inspection of ICs at the site and annual certification to U.S. EPA that ICs are in place and effective.
- 2.) An IC Plan will be developed by U.S. EPA to incorporate the results of the IC evaluation activities and plan for additional IC activities as needed.

### Protectiveness Statement(s):

The remedy implemented at the Wheeler Pit Site is currently protective of human health and the environment in the short-term. The landfill cap is preventing direct contact with waste materials and minimizing the flow of water through the waste mass. Site use is consistent with deed and land use restrictions. Ground water clean up goals have been achieved at the site. However, in order for the remedy to be protective in the long-term, a review of the ICs is needed to assure that the remedy continues to function as intended. Long-term protectiveness at the site requires compliance with land and ground water use restrictions. Long-term stewardship and monitoring is necessary to assure compliance with the use restrictions by maintaining and monitoring effective ICs and site remedy components.

## I. Introduction

The Wisconsin Department of Natural Resources (WDNR) is conducting this five-year review of remedial actions implemented at the Wheeler Pit Superfund site in LaPrairie Township, Rock County Wisconsin in cooperation with the United States Environmental Protection Agency (U.S. EPA). This review was conducted from November 2006 to September 2007. The purpose of this five-year review is to determine whether the remedy at the Wheeler Pit Landfill site is protective of human health and the environment. The methods, findings, and conclusions of reviews are documented in five-year review reports. In addition, five-year review reports identify issues found during the review, if any, and identify recommendations to address them.

The WDNR is preparing this five-year review report pursuant to CERCLA § 121 and the National Contingency Plan (NCP). CERCLA § 121 (c), as amended states:

*If the President selects a remedial action that results in any hazardous substances, pollutants, or contaminants remaining at the site, the President shall review such remedial action no less often than each five years after the initiation of such remedial action to assure that human health and the environment are being protected by the remedial action being implemented. In addition, if upon such review it is the judgment of the President that action is appropriate at such site in accordance with Section 104 or 106, the President shall take or require such action. The President shall report to the Congress a list of facilities for which such review is required, the results of all such reviews, and any actions taken as a result of such reviews.*

The Agency interpreted this requirement further in the NCP at 40 CFR §300.430(f) (4) (ii) which states:

*If a remedial action is selected that results in hazardous substances, pollutants, or contaminants remaining at the site above such levels that allow for unlimited use and unrestricted exposure, the lead agency shall review such action no less often than every five years after the initiation of the selected remedial action.*

The United States Environmental Protection Agency (U.S. EPA), Region 5, conducted the first and second five-year reviews of the remedy implemented at the Wheeler Pit Site. This is the third five-year review. The triggering action for this statutory review is the second five-year review report which was signed on September 18, 2002. Since there are hazardous substances, pollutants or contaminants remaining at the site above levels that allow for unlimited use and unrestricted exposure, this five-year review is required.



## II. Site Chronology

Table 1 lists a chronology of events for the Wheeler Pit Superfund site.

<b>Table 1: Chronology of Site Events</b>	
<b>Event</b>	<b>Date</b>
GM leases land for waste disposal	1956
GM disposes of fly ash and paint wastes	1960-1974
GM ceases operations and places soil cap on fill.	1975
NPL inclusion proposal	September 8, 1983
NPL finalization	September 21, 1984
RI/FS field investigation	July 1990
Record of Decision	September 28, 1990
Remedial Action Construction Completed- Source Control	October 1992
Preliminary Closeout Report (PCOR)	December 29, 1992
First Five-Year Review Report	April 8, 1997
Second Five Year Review Report	September 18, 2002
Explanation of Significant Differences (ESD)	June 16, 2003
Site Delisted	April, 20, 2004

### **III. Background**

#### **Physical Characteristics**

The Wheeler Pit Landfill is located in rural La Prairie Township approximately 1.5 miles east of the City of Janesville and directly northwest of the intersection of County Highway O (Old Delavan Road) and County Highway J (See Figure 1). The site is within a physical depression approximately 50 feet deep and spanning an area of approximately 35 acres. This area was previously operated as a sand and gravel pit by the Southeast Railway Company and the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (CMC). In 1956, General Motors (GM) leased a portion of the pit area from the railroad for waste disposal. This portion of the pit area is the Wheeler Pit Superfund site and is a 3.75 acre parcel. The disposal pit is underlain by sand and gravel outwash deposits and groundwater is present under water table conditions. The thickness of the sand and gravel is estimated to be up to 200 feet thick. Depth to groundwater is 27 feet and groundwater flow is to the southwest discharging to the Rock River about 2 miles west of the site. The Rock River is a regional discharge point. Bedrock at the site was not encountered during the investigation but is expected to be Ordovician aged dolomites and sandstones and Cambrian aged sandstones at depths of greater than 200 feet.

The nearest municipal well is Janesville Well No. 8 which lies about 6000 feet northwest of the site. The unconsolidated and bedrock aquifers are interconnected and the municipal well draws water from both units. This municipal well has not been impacted by the site because groundwater flow is southwest of the site and site related groundwater contamination is localized to the site area. There are two private wells near the site which are monitored as part of the groundwater sampling for the site.

#### **Land and Resource Use**

The Wheeler Pit Landfill disposal site covers about 3.75 acres within approximately 35 acres of abandoned sand and gravel pit in section 5, LaPrairie Township, Township 2 North, Range 13 East in Rock County, Wisconsin.

The surrounding land use is primarily agricultural with a small asphalt plant north of the site. Rock County maintains a salt storage facility directly east of the site and there is low density residential housing south of the site.

#### **Contamination History**

From 1956 to 1960, GM used the site for general refuse disposal. From 1960 to 1974, GM used the site for the disposal of wastewater sludge, paint wastes and coal ash from its assembly plant in Janesville. As reported to U.S. EPA by GM, an estimated 22 million gallons of organic and inorganic sludge went to the site.

The liquid wastes brought to the site were placed in a diked area and allowed to flow freely. The

waste material was quite dense, so there was no waste compaction. The liquid waste was layered with alternating layers of coal ash. This was done to allow the coal ash to mix with the sludge and reduce their viscosity.

In 1974, LaPrairie Township requested the site be closed and the site ceased accepting wastes and was capped with soil in 1975.

### **Initial Response**

In response to concern over the potential for contaminant releases, GM and WDNR sampled some on-site monitoring wells and nearby water supply wells in April 1981. Elevated levels of trichloroethylene, chromium, zinc and barium were found in some monitoring wells. Based on these sampling results, the site was proposed and added to the National Priorities List (NPL) in 1984.

### **Basis for Taking Action**

Following listing on the NPL, the two known potentially responsible parties (PRPs) for the contamination, GM and CMC Heartland Partners, signed a consent order with the U.S.EPA and WDNR to perform a Remedial Investigation/Feasibility Study (RI/FS) to study the contamination at the site and to evaluate remedial actions for cleanup at the site. The RI found that the waste/fill covered about 3.4 acres and ranged from 0-23 feet deep. The deepest part of the waste/fill was found to be approximately 10 feet above the groundwater table. The waste sampling showed the following:

- Toluene, ethyl benzene and xylenes concentrations in the waste ranging from 3,300 to 508,000 parts per billion (ppb).
- Phthalate concentrations in the waste material ranging from 450-630,000 ppb
- Polynuclear Aromatic Hydrocarbons (PAH) concentrations in the waste ranging from 9520-152,000 ppb
- Antimony, barium, copper, cadmium, chromium, lead, mercury, nickel and zinc were found in elevated concentrations in the waste material.

Groundwater sampling found several chlorinated benzene compounds including chlorobenzene, 1,3 and 1,4 dichlorobenzene in downgradient monitoring wells. The 1,4 dichlorobenzene concentrations exceeded the WDNR Preventive Action Limit (PALs). Also found in groundwater were concentrations of arsenic, chromium, iron and manganese. The iron and manganese concentrations exceeded the WDNR Enforcement Standards (ES). PALS are Wisconsin State groundwater standards (Chapter NR 140 of the Wisconsin Administrative Code) and are 10 or 20% of State of Wisconsin Enforcement Standards. Enforcement Standards are generally equivalent to federal Maximum Contaminant Levels (MCLs). MCLs are drinking water standards set forth under the Safe Drinking Water Act. PALs are a trigger by which the State of Wisconsin contemplates taking an action at a site, which can range from no action to active groundwater remediation.

The contaminants of concern for the site were determined to be 1,4-dichlorobenzene, arsenic, chromium, iron and manganese. A U.S. EPA risk assessment determined that a hypothetical user of a well placed directly into the center of the waste fill would face an unacceptable lifetime cancer risk and that a hypothetical site worker would face an unacceptable non-carcinogenic inhalation risk from waste volatilization. Based on these risks, a remedial action was required for the site.

## **IV. Remedial Actions**

### **Remedy Selection**

#### Record of Decision

U.S. EPA selected a remedy for the site as embodied in the Record of Decision (ROD) signed on September 28, 1990.

The number of alternatives considered for groundwater was reduced in the Feasibility Study based on the levels of contaminants detected in the groundwater and the limited extent of contamination. The alternatives to address the ash/waste contamination were source control actions which relied on natural attenuation to remedy the groundwater. Remedial action objectives identified in the ROD for source control and groundwater contamination were:

- Reduce the threat of direct contact with ash/ waste material.
- Reduce the infiltration of water into the waste which could lead to further groundwater impacts.
- Achieve compliance with Preventive Action Limits (PALs) where technically and economically feasible.

The major components of the source control remedy selected in the ROD include the following:

1. A multilayer RCRA Subtitle D cap consisting of the following layers from top to bottom: a 6 inch topsoil layer; a frost protective soil layer at least 18 inches thick; a drainage layer and a 2 foot clay layer.
2. Consolidation under the cap of the waste material from the Frank Brothers property to the north of the site.
3. Institutional controls including deed restrictions and landfill development restrictions.

The groundwater remedy consisted of monitoring wells to assess the projected decrease in groundwater contamination. Several private wells located downgradient of the site were also to be monitored to assess the potential impacts to human health. The cleanup goals established for

the groundwater contamination were the State of Wisconsin PALs.

### Explanation of Significant Differences

In September 2002, U.S. EPA conducted the second five-year review of the site remedy. Based on that review, U.S. EPA concluded that the groundwater data and other factors supported the elimination of manganese as a contaminant of concern at the site. In the spring of 2003, U.S. EPA proposed an Explanation of Significant Differences to eliminate manganese as a contaminant of concern. Among the reasons cited in the ESD were: 1.) Manganese does not have a primary MCL because it is only federally regulated under non-enforceable secondary drinking water standards. Similarly, the State of Wisconsin does not have a health standard for manganese and only regulates manganese for aesthetics as a public welfare groundwater quality standard; 2) Manganese was only present in one on-site monitoring well; and 3.) Manganese was found in very low levels in the two residential wells in the vicinity of the site, indicating that the manganese found in monitoring well MW-7A does not appear to be migrating off-site to these wells. The WDNR concurred with this decision and an ESD was issued on June 16, 2003.

## **Remedy Implementation**

### Remedial Design

Remedial design and action/construction activities were conducted by the PRPs under a Unilateral Administrative Order (UAO) issued by U.S. EPA on May 6, 1991. U.S. EPA gave notice to proceed with the remedial actions on May 21, 1992.

### Remedy Implementation

## **Source Control Measures**

The 1992 remedial construction activities included the following:

- Consolidation of approximately 36,400 yards of material, including waste from the property north of the site;
- Installation of a Wisconsin Administrative Code NR 504 compliant clay cap over the waste and consolidated material consisting of two feet of compacted clay, one foot of gravel drainage layer, one and one half feet of rooting soil and six inches of top soil;
- Seeding of the cap and installation of a fence around the entire site;
- Access road construction
- Retention basin construction;
- Perimeter drainage swale construction;
- Installation of new monitoring wells and abandonment of older wells

A prefinal inspection was performed on October 27, 1992 and a Preliminary Close-Out Report was issued by U.S. EPA on December 29, 1992.

## Groundwater Measures

There was no active groundwater collection and treatment. Groundwater impacts were addressed through source control and natural attenuation measures.

The natural attenuation groundwater remedy has been evaluated through a groundwater monitoring program approved by U.S. EPA. The groundwater monitoring has shown that contamination has attenuated and met site cleanup goals.

## Institutional Controls

Institutional Controls (ICs) are required to ensure the protectiveness of the remedy. ICs are those non-engineered instruments, such as administrative and/or legal controls, that help minimize the potential for human exposure to contamination and/or protect the integrity of a remedy by limiting land or resource use. Although it is U.S. EPA's expectation that treatment or engineering controls will be the primary mechanism in dealing with most of the threat posed by release of hazardous substances at a given site, ICs can play an important role in the function of a given remedy. ICs may be used when contamination is first discovered, and when remedies are ongoing and residual contamination remains at levels that do not allow for unrestricted land use and unlimited exposure, even though other cleanup measures may be operating. The National Contingency Plan (NCP) emphasizes that ICs are meant to supplement engineering controls, and that ICs will rarely be the sole remedy at a site.

The Record of Decision required that deed restrictions be relied on to restrict development of the site. Deed restrictions have been recorded for the site property which was owned by CMC Heartland Partners, a PRP at the site, and also a portion of an adjacent property owned by Roger Frank. The Frank property had waste disposed on it at one time which was removed as part of the remedy. The Frank property is currently used to provide additional working space around the capped area and is now part of the fenced area at the site.

The table below summarizes institutional controls for these restricted areas that do not support unlimited use and unrestricted exposure.

**Table 2 : Institutional Controls Summary Table**

<b>Media, Engineered Controls, &amp; Areas that Do Not Support UU/UE Based on Current Conditions.</b>	<b>IC Objective</b>	<b>Title of Institutional Control Instrument Implemented (note if planned)</b>
CMC Heartland Partners Property- Landfill cap	Prohibits any interference with construction, operation, maintenance, monitoring and efficacy of the remedy.  Prohibits any operations that extract, consume or otherwise use groundwater	Restrictive Covenant recorded at Rock County recorder's office on June 20, 1997.

	that underlies the property.  Prohibits agricultural, recreational, residential or commercial use of the property.  Prohibits any construction, installation or use of any buildings, wells, pipes, roads ditches or any other structures that would affect the remedy.	
Roger Frank Property- Area adjacent to the landfill cap	Same Restrictions as for CMC Heartland Partners Property above.	Restrictive Covenant recorded at Rock County Recorder's office on May 26, 1995.

As mentioned below, maps which depict the current conditions of the site and areas which do not allow for unlimited use/unrestricted exposure (UU/UE) will be developed as part of the IC evaluation activities.

The deed restrictions on both properties are restrictive covenants that restrict future use of the site and also groundwater use at the site. The restrictive covenants prohibit construction of buildings, wells, pipes, roads, ditches or any other structures that would affect the construction, physical integrity or operation and maintenance of the remedy. Use of groundwater on the impacted properties is prohibited. The restrictive covenants indicate that a party which is a title holder of, or controls real property subject to the restrictive covenant may ask U.S. EPA for a determination that one or more of the deed restrictions is no longer required, provided it does not interfere with the remedy. U.S. EPA, in consultation with the State, shall determine whether a restriction can be extinguished. Copies of the recorded deed restrictions are included as Attachment 5 to this report. State regulations also restrict future installation of drinking water wells off-site within 1200 feet of the waste management boundary.

Initial IC evaluation activities have-revealed that additional steps must be taken to evaluate the protectiveness of ICs. Based on the initial evaluation of the ICs in place, the following additional actions should be taken: 1.) Evaluate the title for the two properties to ascertain current ownership and ensure that there are no interests such as a mortgage or utility easement which would defeat the efficacy of the restrictive covenants; 2.) Develop maps to show the restrictions in place for both the on-site and off-site areas; and 3.) Develop a mechanism for long-term stewardship through inspection and monitoring of the institutional controls. Since the site is inspected on an annual basis by the PRPs, evaluation of ICs could be added to the annual inspection activities. If it is decided to use the annual site inspection for IC monitoring, the Operation and Maintenance Plan for the site would need to be amended. Once the IC evaluation activities have been completed, an IC plan will be developed by U.S. EPA within 6 months to incorporate the results of the evaluation activities and plan for any additional IC activities as needed, including planning for long- term stewardship.

## **System Operations and O&M**

The primary source control measures were typical landfill operational tasks such as maintaining the clay cap, and conducting long-term groundwater monitoring. Conclusions in the previous five year reviews and the NPL delisting statements indicate that the site source control measures were properly maintained.

The site inspection for this five-year review report confirmed that the operation and maintenance of the cap, drainage system and monitoring well network continues to be effective. The fence has been well maintained with periodic removal of vegetation growing along the fence line and access to the cap is effectively prohibited. The average cost for operation and maintenance and the groundwater monitoring during this five-year review period averaged \$25,000 per year.

## **Remediation Results to Date-Interpretation/Discussion**

The groundwater monitoring data collected from 1992-2002 supported the conclusion that the site could be delisted from the NPL since cleanup goals had been met. The most recent groundwater sampling conducted in May 2007 confirms that the groundwater continues to meet the site cleanup goals. See Section VI- Data Review for a detailed discussion of the 2007 groundwater sampling results.

## **V. Progress Since the Last Review**

This is the third five-year review report for the site. The previous five-year review, which was signed on September 18, 2002, contained one recommendation which is shown in Table 3 below.

**Table 3: Actions Taken Since the Last Five-Year Review**

<b>Issues from Previous Review</b>	<b>Recommendations/ Follow-up Actions</b>	<b>Party Responsible</b>	<b>Milestone Date</b>	<b>Action Taken and Outcome</b>	<b>Date of Action</b>
The significance of manganese which only remains in one on-site monitoring well.	Prepare an Explanation of Significant Differences (ESD) to delete manganese as a site contaminant of concern.	U.S EPA	March 2003	ESD issued	June 17, 2003

## **VI. Five-Year Review Process**

### **Administrative Components**

This third five-year review report for the Wheeler Pit site was prepared by Mr. Mike Schmoller of WDNR, primary contact/Project Manager, on behalf of WDNR. Mr. Darryl Owens, Remedial Project Manager for U.S. EPA also assisted in the review. The five-year review consisted of a review of relevant site documents and a site visit.



## **Community Notification and Involvement**

On July 10, 2007, a public notice was placed in the Janesville Gazette, the primary local newspaper, announcing the performance of this five-year review. A copy of the notice is included as Attachment 3 to this report. The public notice included a WDNR contact person for more information about the process and provided an opportunity for citizens to provide input into the drafting of the report.

## **Document Review**

In preparing this report the WDNR relied on the documents shown in Attachment 1. These few documents are just a small subset of the large number of documents produced for this site over the years of investigation and remediation.

## **Data Review**

The groundwater remedial action objective for the site was to achieve State of Wisconsin Preventive Action Limits (PALs) for the contaminants of concern identified in the ROD. As previously noted, the contaminants of concern were 1,4 dichlorobenzene, arsenic, chromium, iron and manganese. The groundwater monitoring network consists of 16 monitoring wells and 2 private wells. The 16 well monitoring network consists of off-site upgradient monitoring wells, on-site downgradient monitoring wells and off-site downgradient wells. See Figure 2 for locations of monitoring and private wells.

The base-line groundwater monitoring event was performed in January 1992 and regular quarterly monitoring subsequently began in October 1992. In 1998, U.S. EPA approved a reduced groundwater monitoring program based on improved groundwater quality conditions which showed that all of the groundwater contaminants of concern, except manganese in one on-site downgradient well (MW 7A), were below State of Wisconsin PALs. In the annual groundwater sampling performed from 1998 through 2001, only monitoring well MW 7A exceeded the PAL for manganese. As required by the Unilateral Administrative Order for the site, a full round of groundwater monitoring (all wells) was performed in conjunction with the 2002 five-year review. Again, no contaminants of concern were found above the PALs with the exception of manganese in monitoring well, MW-7A. The manganese concentration in MW-7A in 2002 was 712 ug/l, which exceeded the PAL of 25 ug/l.

The September 2002 five-year review recommended that manganese be eliminated as a site contaminant of concern. Therefore, on June 16, 2003, U.S. EPA issued an Explanation of Significant Differences (ESD) to eliminate manganese as a site contaminant of concern. Among the reasons cited were: 1.) Manganese does not have a primary MCL because it is only federally regulated under non-enforceable secondary drinking water standards. Similarly, the State of Wisconsin does not have a health standard for manganese and only regulates manganese for aesthetics as a public welfare groundwater quality standard; 2) Manganese was only present in one on-site monitoring well; and 3.) Manganese was found in very low levels in the two residential

wells in the vicinity of the site ( 4 ug/l in Private Well 2 and 2 ug/l in Private Well 3), indicating that the manganese found in monitoring well MW-7A does not appear to be migrating off-site to these wells.

The June 2003 ESD also determined that annual groundwater sampling was not required. However, in accordance with the UAO, since future five-year reviews were required, a full round of groundwater monitoring would continue to be performed every five years to evaluate the protectiveness of the remedial action.

The groundwater monitoring event for this five-year review was performed in the last week of May 2007. All monitoring wells were sampled for U.S. EPA's Target Compound List (TCL) compounds which include volatile and semi-volatile compounds. Of the TCL compounds, pesticides and Polychlorinated biphenyls (PCBs) were not required to be sampled for because they have not been present at the site. The monitoring wells were also sampled for U.S. EPA's Target Analyte List (TAL) compounds which include all metal compounds.

The results of the May 2007 groundwater monitoring are shown in Table 3 below. As in previous groundwater monitoring events, the contaminants of concern, arsenic, iron and 1,4 dichloro-benzene were not detected in any monitoring wells in the 2007 groundwater monitoring event. It should be noted that arsenic was non-detect in all monitoring wells at a laboratory method detection limit of 1.8 ug/l. While the method detection limit is below the previous PAL for arsenic (5 ug/l), it exceeds the new PAL for arsenic of 1 ug/l. Please see the discussion in Section VII, Question A, which concludes that the previous PAL of 5 ug/l for arsenic remains a protective clean up goal for the site. The contaminant of concern, chromium, was detected in very low levels, well below the federal MCL and the State PAL. It should be noted that manganese, which is no longer a site contaminant of concern, was detected at low levels below the federal Maximum Contaminant Level (MCL) and state PAL in every monitoring well, including MW-7A. MW-7A, which had previously had a manganese concentration of 712 ug/l in 2002, had a significantly lower manganese concentration of 0.19 ug/l and a concentration of 0.54 ug/l in a duplicate sample. No other contaminants were detected in the monitoring wells above federal MCLs and State PALs.

**TABLE 4: Groundwater Monitoring Well Results May 2007**

Monitoring Well No.	Chromium (ug/l)	Manganese (ug/l)
MW-1A	Nondetect	2.1
MW-1B	1.1	2.3
MW-3 AR	0.63	2.1
MW-3AR Duplicate	Nondetect	0.77
MW-3BR	Nondetect	Nondetect
MW-3C	0.64	Nondetect

- 19 -

MW-4A	3.6	4.9
MW-4B	0.58	0.47
MW-4C	0.59	0.16
MW-5A	2.1	0.52
MW-5B	0.77	10.3
MW-6A	0.79	1.8
MW-6B	0.72	0.76
MW-6C	0.66	0.73
MW-7A	Nondetect	0.19
MW-7A Duplicate	Nondetect	0.54
MW-7B	Nondetect	0.63

Note: U.S. EPA MCL for chromium is 100 ug/l and State of Wisconsin PAL for chromium is 10 ug/l. U.S. EPA secondary MCL for manganese is 50 ug/l and State of Wisconsin PAL (Public Welfare) for manganese is 25 ug/l.

The two private (residential wells) adjacent to the site were also sampled during the May 2007 groundwater monitoring event. The private wells were sampled for arsenic, chromium, iron and manganese. Iron was not detected in either well and chromium and manganese were either not detected or found at low levels, well below the federal MCLs and State PALs.

Arsenic was found in Private Well Number 2 (PW-2) at a concentration of 2 ug/l, which exceeds the new PAL for arsenic of 1 ug/l. However, as noted above, please see the discussion in Section VII., Question A, which concludes that the previous PAL for arsenic of 5 ug/l remains a protective cleanup goal for the site. An arsenic concentration of 5 ug/l represents an approximate  $10^{-4}$  (1 in 10,000) cancer risk which is within U.S. EPA's acceptable cancer risk range of  $10^{-4}$  to  $10^{-6}$ . Therefore, the current site arsenic cleanup goal of 5 ug/l is still considered to be protective. Since the concentration of 2 ug/l in PW-2 is less than the PAL of 5 ug/l, it is also within U.S. EPA's acceptable risk range. It should also be noted that arsenic was not detected in any of the site monitoring wells in 2007, so it is possible that the arsenic in PW-2 may not be related to the site, since arsenic is a naturally occurring compound in the environment. Further, residential well PW-2 is not downgradient, ie. in the direction of groundwater flow, from the site, so this is another reason the arsenic in this well may not be related to the site. See Table 5 below for a summary of 2007 groundwater monitoring results for these private wells.

**TABLE 5: Private Residential Well Groundwater Monitoring Results May 2007**

Private Well Number	Arsenic (ug/l)	Chromium (ug/l)	Iron (ug/l)	Manganese (ug/l)
PW-2	2.0	0.60	Nondetect	2.7
PW-3	Nondetect	0.48	Nondetect	0.68

In summary, the May 2007 groundwater monitoring event found that site cleanup goals continue to be met and that the remedy remains protective of groundwater use.

### **Site Inspection**

A site inspection was performed by Mr. Mike Schmoller of WDNR on January 7, 2007. The landfill cap was in good condition and there did not appear to be any settlement, cracks or erosion. No evidence of prohibited land uses was observed. The monitoring well system was in satisfactory condition. The fence was in excellent condition and appeared to be preventing any trespassing. Warning signs were posted at regular intervals on the fence indicating that the cap area was a restricted area and trespassing was prohibited. The inspection concluded that the site remedy was intact and remains protective. No deficiencies were observed which would require immediate corrective action. See the attached inspection report (Attachment 2) for further details.

## Interviews

No interviews were conducted as part of this five-year review.

## VII. Technical Assessment

### **Question A: Is the remedy functioning as intended by the decision documents?**

**YES**

The review of documents and the results of the site inspection indicate that the remedy is functioning as intended by the ROD, as modified by the ESD. The Resource Conservation and Recovery Act (RCRA) Subtitle D cap has achieved the remedial action objectives of preventing direct contact with the wastes and also in preventing water from coming into contact with the waste and furthering the groundwater contamination. The site inspection confirmed that the fencing and warning signs are effective in preventing access to the site. Maintenance of the cap and fencing is excellent and sufficient funds appear to be available to continue this high quality maintenance. The site inspection also found that the restrictive covenants have been successful to date in preventing disturbance to the cap and other remedy components, as well as, prohibiting the installation of any on-site wells. It was also observed that no additional residential wells have been installed in the vicinity of the site. Compliance with ICs is required to assure that the remedy continues to function as intended. To assure that the remedy continues to function as intended, the ICs must be fully evaluated to assure that effective ICs are implemented, monitored and maintained. To that end, an IC Plan will be prepared. The May 2007 groundwater monitoring confirmed that the site cleanup goals continue to be met. The May 2007 sampling also confirmed that the two private wells are safe to use for drinking water.

### **Question B: Are the exposure assumptions, toxicity data, cleanup levels, and remedial action objectives (RAOs) used at the time of remedy selection still valid?**

**YES**

#### Changes in Standards and to be Considereds

The State of Wisconsin PALs, which are the cleanup goals for the site, have not changed since the 2002 five-year review for three of the four contaminants of concern (chromium, iron and 1,4 dichlorobenzene). The PALs remain at 10 ug/l for chromium, 150 ug/l for iron and 15 ug/l for 1,4 dichlorobenzene. The PAL for arsenic has decreased from 5 ug/l to 1 ug/l. The previous PAL for arsenic of 5 ug/l is less than both the newly enacted federal MCL and the State of Wisconsin Enforcement Standard, both of which are 10 ug/l. In addition, the 5 ug/l arsenic concentration represents an approximate  $10^{-4}$  (1 in 10,000) cancer risk which is within U.S. EPA's acceptable cancer risk range of  $10^{-4}$  to  $10^{-6}$ .

Therefore, the current site arsenic cleanup goal of 5 ug/l is still considered to be protective.

#### Changes in Exposure Pathways, Toxicity and Other Contaminant Characteristics

There are no new exposure pathways or changes to existing exposure pathways. Land use has not changed, nor is it expected to change, to create new exposure pathways. There have been no newly identified contaminants or unanticipated toxic byproducts from the remedy. The physical site conditions have not changed in a way that would affect the remedy.

Neither toxicity factors for contaminants of concern nor standardized risk assessment methodologies have changed in a way that could affect the protectiveness of the remedy.

**Question C: Has any other information come to light that could call into question the protectiveness of the remedy?**

**NO**

Neither regulatory agency is aware of any additional activities that would cause the site to be a risk to public health or the environment.

#### **Technical Assessment Summary**

According to the data reviewed and the site inspection, the remedy is functioning as intended by the ROD and as modified by the ESD. The landfill cap appears to be preventing exposure to waste materials and minimizing the flow of water through the waste mass. The site groundwater cleanup goals continue to be met, as confirmed by the latest groundwater monitoring event. Institutional controls appear to be effective to date, in ensuring that the landfill cap is not disturbed and that there are no improper land uses of the site. There are no new exposure pathways or changes to existing exposure pathways. Neither toxicity factors for contaminants of concern, nor standardized risk assessment methodologies have changed in a way that could affect the protectiveness of the remedy.

## VIII. Issues

**Table 6: Issues**

Issues	Affects Current Protectiveness (Y/N)	Affects Future Protectiveness (Y/N)
The ICs have not been fully evaluated. A review of ICs is needed to assure that the remedy continues to functioning as intended with regard to the ICs.	N	Y
Effective ICs must be maintained and monitored to assure the continued protectiveness of the remedy.	N	Y

## IX. Recommendations and Follow-up Actions

**Table 7: Recommendations and Follow-up Actions**

Issue	Recommendations and Follow-up Actions	Party Respon- sible	Over- sight Agency	Milestone Date	Affects Protectiveness (Y/N)	
					Current	Future
The ICs have not been fully evaluated. A review of ICs is needed to assure that the remedy continues to function as intended with regard to the ICs.	Institutional control evaluation activities will be conducted  *See Below	PRPs	U.S. EPA	March 2008	N	Y
Effective ICs must be maintained and monitored to assure the continued protectiveness of the remedy.	An IC Plan will be developed by U.S. EPA to incorporate the results of the IC evaluation activities and plan for additional IC activities as needed.	U.S. EPA	U.S. EPA	September 2008	N	Y

\* The Institutional Control Evaluation will include: 1.) An evaluation of the title and encumbrances for both properties; 2.) Maps should be developed to show the restrictions in place for both the on-site and off-site areas; and 3.) An evaluation to determine what procedures should be put in place to ensure long-term IC stewardship such as regular inspection of ICs at the site and annual certification to U.S. EPA that ICs are in place and effective.

## **X. Protectiveness Statement**

The remedy implemented at the Wheeler Pit Site is currently protective of human health and the environment in the short-term. The landfill cap is preventing direct contact with waste materials and minimizing the flow of water through the waste mass. Site use is consistent with deed and land use restrictions. Ground water clean up goals have been achieved at the site. However, in order for the remedy to be protective in the long-term, a review of the institutional controls is needed to assure that the remedy continues to function as intended. Long-term protectiveness at the site requires compliance with land and ground water use restrictions. Long-term stewardship and monitoring is necessary to assure compliance with the use restrictions by maintaining and monitoring effective ICs and site remedy components.

## **XI. Next Review**

The next review is required five years from the signature date of this report.



**ATTACHMENT 1  
LIST OF DOCUMENTS REVIEWED**

1. Explanation of Significant Differences, Wheeler Pit Superfund Site, LaPrairie Township, United States Environmental Protection Agency, March 2003.
2. Final Remedial Action Report for Wheeler Pit Superfund Site, Rock County, Wisconsin, Conestoga-Rovers & Associates, September 2003
3. Five Year Review Report, Wheeler Pit Landfill, La Prairie Township, Rock County, Wisconsin, United States Environmental Protection Agency, Region V, September 2002.
4. Record of Decision: Wheeler Pit Landfill, United States Environmental Protection Agency Region V, September 28, 1990.
5. Declaration of Restrictive Covenants, CMC Heartland Partners, May 30, 1997.
6. Declaration of Restrictive Covenants, Roger Frank, May 15, 1997.
7. May 2007 groundwater monitoring data (transmitted via e-mail by Conestoga Rovers & Associates on 6/26/07.)

## ATTACHMENT 2

### Site Inspection Checklist

I. SITE INFORMATION			
<b>Site name:</b> Wheeler Pit		<b>Date of inspection:</b> January 7, 2007	
<b>Location and Region:</b> LaPrairie Township, Wisconsin Region 5		<b>EPA ID:</b> WID980610620	
<b>Agency, office, or company leading the five-year review:</b> WDNR		<b>Weather/temperature:</b> 34 F, trace precipitation, little snow cover	
<b>Remedy Includes:</b> (Check all that apply) <div style="display: flex; flex-wrap: wrap;"> <div style="width: 50%;"> <input checked="" type="checkbox"/> Landfill cover/containment  <input checked="" type="checkbox"/> Access controls  <input checked="" type="checkbox"/> Institutional controls  <input type="checkbox"/> Groundwater pump and treatment  <input type="checkbox"/> Surface water collection and treatment  <input type="checkbox"/> Other _____             </div> <div style="width: 50%;"> <input checked="" type="checkbox"/> Monitored natural attenuation  <input type="checkbox"/> Groundwater containment  <input type="checkbox"/> Vertical barrier walls             </div> </div>			
<b>Attachments:</b> <input type="checkbox"/> Inspection team roster attached <input type="checkbox"/> Site map attached			
II. INTERVIEWS (Check all that apply)			
<b>1. O&amp;M site manager</b> None <div style="display: flex; justify-content: space-between;"> <span>Name</span> <span>Title</span> <span>Date</span> </div> Interviewed at site Problems, suggestions; _____			
<b>2. O&amp;M staff</b> Not applicable    Not interviewed <div style="display: flex; justify-content: space-between;"> <span>Name</span> <span>Title</span> <span>Date</span> </div> Interviewed <input type="checkbox"/> at site <input type="checkbox"/> at office <input type="checkbox"/> by phone    Phone no. _____ Problems, suggestions; <input type="checkbox"/> Report attached _____ _____			
<b>3. Local regulatory authorities and response agencies</b> (i.e., State and Tribal offices, emergency response office, police department, office of public health or environmental health, zoning office, recorder of deeds, or other city and county offices, etc.) Fill in all that apply.  Agency Not applicable _____ Contact _____ <div style="display: flex; justify-content: space-between;"> <span>Name</span> <span>Title</span> <span>Date</span> <span>Phone no</span> </div> Problems; suggestions; <input type="checkbox"/> Report attached _____ _____			

4. <b>Other interviews</b> (optional) <input type="checkbox"/> Report attached.			
<b>III. ON-SITE DOCUMENTS &amp; RECORDS VERIFIED</b> (Check all that apply)			
1.	<b>O&amp;M Documents</b> <input type="checkbox"/> O&M manual <input type="checkbox"/> As-built drawings <input type="checkbox"/> Maintenance logs Remarks__Not reviewed	<input type="checkbox"/> Readily available <input type="checkbox"/> Readily available <input type="checkbox"/> Readily available	<input type="checkbox"/> Up to date <input type="checkbox"/> Up to date <input type="checkbox"/> Up to date <input type="checkbox"/> N/A <input type="checkbox"/> N/A <input type="checkbox"/> N/A
2.	<b>Site-Specific Health and Safety Plan</b> <input type="checkbox"/> Contingency plan/emergency response plan Remarks_ Not reviewed	<input type="checkbox"/> Readily available <input type="checkbox"/> Readily available	<input type="checkbox"/> Up to date <input type="checkbox"/> Up to date <input type="checkbox"/> N/A <input type="checkbox"/> N/A
3.	<b>O&amp;M and OSHA Training Records</b> Remarks_Not reviewed_	<input type="checkbox"/> Readily available	<input type="checkbox"/> Up to date <input type="checkbox"/> N/A
4.	<b>Permits and Service Agreements</b> <input type="checkbox"/> Air discharge permit <input type="checkbox"/> Effluent discharge <input type="checkbox"/> Waste disposal, POTW <input type="checkbox"/> Other permits_____ Remarks__Not reviewed_	<input type="checkbox"/> Readily available <input type="checkbox"/> Readily available <input type="checkbox"/> Readily available <input type="checkbox"/> Readily available	<input type="checkbox"/> Up to date <input type="checkbox"/> Up to date <input type="checkbox"/> Up to date <input type="checkbox"/> Up to date <input type="checkbox"/> N/A <input type="checkbox"/> N/A <input type="checkbox"/> N/A <input type="checkbox"/> N/A
5.	<b>Gas Generation Records</b> Remarks_Not applicable___	<input type="checkbox"/> Readily available	<input type="checkbox"/> Up to date N/A
6.	<b>Settlement Monument Records</b> Remarks_Not applicable_	<input type="checkbox"/> Readily available	<input type="checkbox"/> Up to date N/A
7.	<b>Groundwater Monitoring Records</b> Remarks_Not applicable_	<input type="checkbox"/> Readily available	<input type="checkbox"/> Up to date <input type="checkbox"/> N/A
8.	<b>Leachate Extraction Records</b> Remarks_Not applicable	<input type="checkbox"/> Readily available	<input type="checkbox"/> Up to date N/A
9.	<b>Discharge Compliance Records</b> <input type="checkbox"/> Air <input type="checkbox"/> Water (effluent) Remarks_NA_	<input type="checkbox"/> Readily available <input type="checkbox"/> Readily available	<input type="checkbox"/> Up to date <input type="checkbox"/> Up to date <input type="checkbox"/> N/A <input type="checkbox"/> N/A
10.	<b>Daily Access/Security Logs</b> Remarks__Not applicable	<input type="checkbox"/> Readily available	<input type="checkbox"/> Up to date <input type="checkbox"/> N/A

#### IV. O&M COSTS

1. **O&M Organization**

- ☐ State in-house                      ☐ Contractor for State  
☐ PRP in-house                        X Contractor for PRP  
☐ Federal Facility in-house           ☐ Contractor for Federal Facility  
☐ Other \_\_\_\_

2. **O&M Cost Records**

- ☐ Readily available                      ☐ Up to date  
☐ Funding mechanism/agreement in place  
 Original O&M cost estimate    Not reviewed                      ☐ Breakdown attached

Total annual cost by year for review period if available

From _____	To _____	_____	<input type="checkbox"/> Breakdown attached
Date	Date	Total cost	
From _____	To _____	_____	<input type="checkbox"/> Breakdown attached
Date	Date	Total cost	
From _____	To _____	_____	<input type="checkbox"/> Breakdown attached
Date	Date	Total cost	
From _____	To _____	_____	<input type="checkbox"/> Breakdown attached
Date	Date	Total cost	
From _____	To _____	_____	<input type="checkbox"/> Breakdown attached
Date	Date	Total cost	

3. **Unanticipated or Unusually High O&M Costs During Review Period**

Describe costs and reasons: \_\_\_\_O&M costs are not reviewed as part of the state oversight process

---



---



---



---



---

#### V. ACCESS AND INSTITUTIONAL CONTROLS    ☐ Applicable    ☐ N/A

##### A. Fencing

1. **Fencing damaged**                      ☐ Location shown on site map                      ☐ Gates secured                      ☐ N/A

Remarks\_Fencing properly maintained where located \_\_\_\_\_

##### B. Other Access Restrictions

1. **Signs and other security measures**                      ☐ Location shown on site map                      ☐ N/A

Remarks\_Signs in place\_\_\_\_

##### C. Institutional Controls (ICs)

1.	<b>Implementation and enforcement</b> Site conditions imply ICs not properly implemented Site conditions imply ICs not being fully enforced  Type of monitoring (e.g., self-reporting, drive by) drive by Frequency Once to date Responsible party/agency Landfill PRP group Contact None	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A				
	<table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Name</td> <td style="width: 33%;">Title</td> <td style="width: 33%;">Date</td> <td style="width: 33%;">Phone no.</td> </tr> </table>	Name	Title	Date	Phone no.	
Name	Title	Date	Phone no.			
	Reporting is up-to-date Reports are verified by the lead agency	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A				
	Specific requirements in deed or decision documents have been met Violations have been reported Other problems or suggestions: <input type="checkbox"/> Report attached None	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A				
2.	<b>Adequacy</b> <input checked="" type="checkbox"/> ICs are adequate <input type="checkbox"/> ICs are inadequate <input type="checkbox"/> N/A Remarks _____ _____ _____					
<b>D. General</b>						
1.	<b>Vandalism/trespassing</b> <input type="checkbox"/> Location shown on site map <input checked="" type="checkbox"/> No vandalism evident Remarks _____ _____					
2.	<b>Land use changes on site</b> <input checked="" type="checkbox"/> N/A Remarks_ None planned at this time _____ _____					
3.	<b>Land use changes off site</b> <input checked="" type="checkbox"/> N/A Remarks_ None of concern _____ _____					
<b>VI. GENERAL SITE CONDITIONS</b>						
<b>A. Roads</b> <input type="checkbox"/> Applicable <input checked="" type="checkbox"/> N/A						
1.	<b>Roads damaged</b> <input type="checkbox"/> Location shown on site map <input type="checkbox"/> Roads adequate <input type="checkbox"/> N/A Remarks _____ _____					
<b>B. Other Site Conditions</b>						
Remarks The site looks ok.						

<b>VII. LANDFILL COVERS</b> <input type="checkbox"/> Applicable    N/A		
<b>VIII. VERTICAL BARRIER WALLS</b> <input type="checkbox"/> Applicable    XX N/A		
<b>IX. GROUNDWATER/SURFACE WATER REMEDIES</b> <input type="checkbox"/> Applicable <input type="checkbox"/> N/A		
<b>A. Groundwater Extraction Wells, Pumps, and Pipelines</b> <input type="checkbox"/> Applicable    X N/A		
1.	<b>Pumps, Wellhead Plumbing, and Electrical</b> <input type="checkbox"/> Good condition <input type="checkbox"/> All required wells properly operating <input type="checkbox"/> Needs Maintenance X N/A Remarks_____	
2.	<b>Extraction System Pipelines, Valves, Valve Boxes, and Other Appurtenances</b> <input type="checkbox"/> Good condition <input type="checkbox"/> Needs Maintenance Remarks_Not applicable_____	
3.	<b>Spare Parts and Equipment</b> <input type="checkbox"/> Readily available <input type="checkbox"/> Good condition <input type="checkbox"/> Requires upgrade <input type="checkbox"/> Needs to be provided Remarks_Not applicable_____	
<b>B. Surface Water Collection Structures, Pumps, and Pipelines</b> <input type="checkbox"/> Applicable    XX N/A		
<b>C. Treatment System</b> <input type="checkbox"/> Applicable    X N/A		
1.	<b>Treatment Train</b> (Check components that apply) <input type="checkbox"/> Metals removal <input type="checkbox"/> Oil/water separation <input type="checkbox"/> Bioremediation <input type="checkbox"/> Air stripping <input type="checkbox"/> Carbon adsorbers <input type="checkbox"/> Filters _____ <input type="checkbox"/> Additive (e.g., chelation agent, flocculent) _____ <input type="checkbox"/> Others _____ <input type="checkbox"/> Good condition <input type="checkbox"/> Needs Maintenance <input type="checkbox"/> Sampling ports properly marked and functional <input type="checkbox"/> Sampling/maintenance log displayed and up to date <input type="checkbox"/> Equipment properly identified <input type="checkbox"/> Quantity of groundwater treated annually _____ <input type="checkbox"/> Quantity of surface water treated annually _____ Remarks_No treatment used _____	
2.	<b>Electrical Enclosures and Panels</b> (properly rated and functional) N/A    Good condition <input type="checkbox"/> Needs Maintenance Remarks_____	
3.	<b>Tanks, Vaults, Storage Vessels</b>	

	N/A	Good condition	<input type="checkbox"/> Proper secondary containment	<input type="checkbox"/> Needs Maintenance
	Remarks _____			
4.	<b>Discharge Structure and Appurtenances</b>			
	N/A	<input type="checkbox"/> Needs Maintenance		
	Remarks _____			
5.	<b>Treatment Building(s)</b>			
	<input type="checkbox"/> N/A	Good condition (esp. roof and doorways)	<input type="checkbox"/> Needs repair	
	Remarks _____			
6.	<b>Monitoring Wells (pump and treatment remedy)</b>			
	Properly secured/locked	Functioning	Routinely sampled	Good condition
	All required wells located	<input type="checkbox"/> Needs Maintenance	<input type="checkbox"/> N/A	
	Remarks _____			
<b>D. Monitoring Data</b>				
8.	<b>Monitoring Data</b>			
	Is routinely submitted on time		Is of acceptable quality	
9.	Monitoring data suggests: Groundwater plume is effectively contained and contaminant concentrations continue to meet groundwater cleanup goals based on most recent groundwater data.			
<b>D. Monitored Natural Attenuation</b>				
<b>X. OTHER REMEDIES (Not applicable)</b>				
<b>XI. OVERALL OBSERVATIONS</b>				
A.	<b>Implementation of the Remedy</b> The remedies chosen in the site ROD have been implemented as intended at this delisted site. The site access restrictions and institutional controls are minimizing risks from the site.			
B.	<b>Adequacy of O&amp;M</b> The site fencing has been maintained and institutional controls continue to regulate use of the site.			
C.	<b>Early Indicators of Potential Remedy Problems</b> None at this time.			
D.	<b>Opportunities for Optimization</b> None at this time			

**ATTACHMENT 3  
PUBLIC NOTICE of START of  
FIVE-YEAR REVIEW**



STATE OF WISCONSIN }  
 ROCK COUNTY } SS.

**PUBLIC NOTICE**  
**FIVE YEAR REVIEW BEING CONDUCTED**  
**ON WHEELER PIT SUPERFUND SITE**  
 The Wheeler Pit site is located on the southeast side of Janesville. In September 1990 the United States Environmental Protection Agency (USEPA) selected a series of cleanup measures to address groundwater contamination originating from the disposal facility. The selected cleanup effort included consolidation of the waste material and construction of a new clay cap. These remedies have been in place since 1992. In 1997 and 2002 USEPA conducted five year reviews of the success of the remedial actions. At the end of those reviews it was concluded that the chosen cleanup actions were satisfactory addressing the groundwater contamination problems. In 2004 the improvement in site conditions led the USEPA to delay the site from the NPL. This current five year review is to evaluate site conditions following decontamination. The public can help in this process if anyone has information they believe may help the agencies evaluate the disposal facility you can contact the individual listed below. Also, when the review is complete copies of it will be available for the public. If you want to provide information about the site please contact:  
 Michael Schmolzer  
 Wisconsin Department of Natural Resources  
 3011 Park Hathaway Road  
 Fishburg, WI 53711  
 608-273-3303  
 July 16, 2007

ROXANE ESPLAND

being duly sworn  
 deposes and says that he/she is the principal clerk to the printer of Bliss Communications, Inc., publishers of The Janesville Gazette, a newspaper published in the City of Janesville, in said county, and that a notice, printed copy of which, taken from said newspaper, is hereto attached, was published in said newspaper on the following dates:

JULY 10, 2007

*Roxane Espland*

Subscribed and sworn to before me this 17TH day of JULY, A.D., 20 07

*Emile M. McKeever*

Notary Public,

MY COMMISSION EXPIRES JUNE 6, 2008

My commission expires

\$30.24

Publishing Fees \$

Janesville, Wis., 20

Received of the sum

of \$ in full for publishing the attached notice.

**ATTACHMENT 4**  
**SITE MAPS**

## Site Location

Superfund  
U.S. Environmental Protection Agency



### Wheeler Pit Rock County, WI

WID980610620



State



County

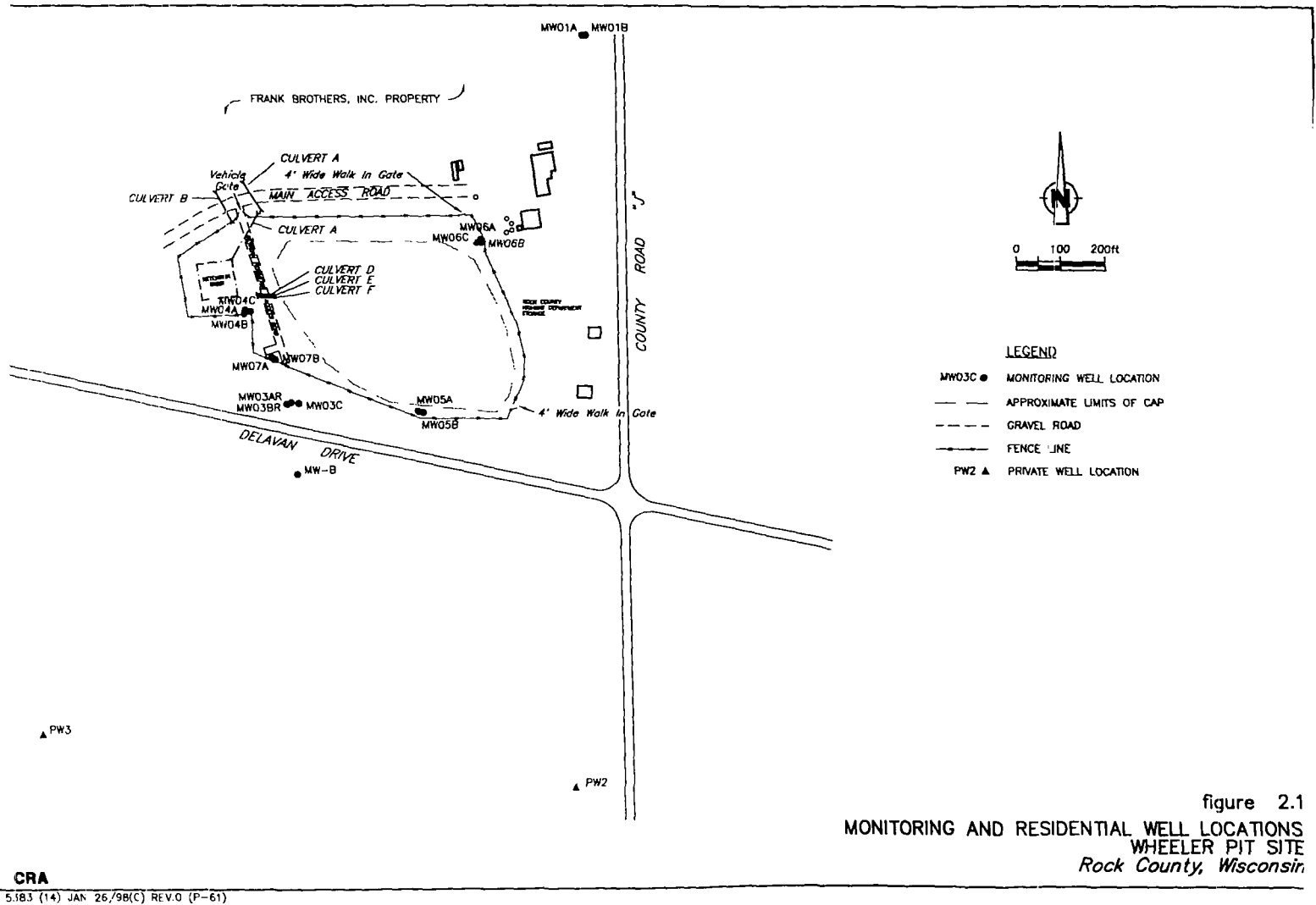


Site

Figure 1

Produced by Sarah Backhouse  
U.S. EPA Region 5 on 7/9/07  
Image Date: 2005





**ATTACHMENT 5**  
Restrictive Covenants

DECLARATION OF RESTRICTIVE  
COVENANT UPON REAL ESTATE

THIS DECLARATION OF RESTRICTIVE COVENANT UPON REAL ESTATE (the "Declaration") is made this 15th day of May, 1995, by Roger Frank ("Owner"), under the following circumstances:

W I T N E S S E T H:

WHEREAS, Owner is the title holder of certain property located in LaPrairie Township, Rock County, Wisconsin, including, but not limited to, that property, the legal description of which is set forth upon the attached Exhibit "A", which attachment is incorporated herein by reference as though fully set forth (hereinafter the "Affected Real Estate"); and

WHEREAS, on May 13, 1991, the United States on behalf of the United States Environmental Protection Agency (U.S. EPA) issued an Order pursuant to Section 106 of the Comprehensive Environmental Response, Compensation and Liability Act, to General Motors and CMC Heartland Partners, (the "Administrative Order"); and

WHEREAS, the purpose of the Administrative Order was to, interalia, order certain undertakings with respect to certain environmental remedial design and remedial actions (collectively the "RD/RA") to be performed on real property located in Rock County, Wisconsin, said real property being defined as the "Facility" pursuant to said Administrative Order; and

WHEREAS, the Administrative Order requires that Owner shall have placed of record certain restrictions and covenants, which restrictions and covenants shall be limited to and apply solely to the Affected Real Estate described herein, for the purpose of effecting and protecting the RD/RA to be performed on the Facility; and

WHEREAS, said restrictions and covenants shall apply solely to the Affected Real Estate and to no other real or personal property held, owned by or titled in the name of the Owner;

NOW, THEREFORE, in consideration of the foregoing, Owner hereby declares and impresses upon the Affected Real Estate, the following covenants:

1. Owner shall use its best efforts to restrict the use of and access to the Affected Real Estate in such manner to insure that:

A. There shall be no interference of any sort, by any person, with construction, operation, maintenance, monitoring, and efficacy of all components and structures and improvements resulting from or relating to the remedial actions implemented pursuant to the Administrative Order;

B. There shall be no operations upon the Affected Real Estate which extract, consume or otherwise use the groundwater which underlies the Affected Real Estate, except as provided in the course of carrying out the terms of the Administrative order;

C. There shall be no agricultural, recreational, residential, commercial or industrial use of the Affected Real Estate including but not limited to, any excavation, grading or other activity involving movement of soils at the Facility, and any construction or placement of any residences, buildings, or structures -- fixtures or otherwise -- other than for the purpose of implementing, monitoring and maintaining the response action required by the Administrative Order shall be prohibited; and

D. There shall be no construction, installation, or use of any buildings, wells, pipes, roads, ditches or any other structures -- fixtures or otherwise -- on the Affected Real Estate that may affect the construction, physical integrity, operation and maintenance, or efficacy of the Work (as that term is used in the Administrative Order) undertaken pursuant to the Administrative Order including, without limitation, the Facility's security fence, cap, and groundwater monitoring systems, unless such construction, installation or use is approved in advance, in writing by U.S. EPA, in consultation with the State.

2. Owner, its successors and assigns shall faithfully observe each restriction of the covenant stated herein.

3. The covenant stated herein shall run with the Affected Real Estate and the conveyance of any interest therein, and is granted for the benefit of and shall be enforceable by U.S. EPA, its successors and assigns.



4. If the Owner, or its successors and assigns, at any time violates, threatens or attempts to violate, or fails to faithfully observe or perform the covenant upon the Affected Real Estate, it shall be lawful for U.S. EPA, in addition to other remedies available under law or equity, to institute and prosecute appropriate proceedings, judicial or other, at law or in equity for the wrong done, threatened or attempted.

5. Any person, corporation, partnership or other entity, including Owner, who is the title owner of or controls real property subject to the covenant hereof, may ask U.S. EPA for a determination that one or more of said restrictions set forth in this covenant is no longer required in order to prevent interference with construction, operation, maintenance, monitoring and efficacy of the RD/FA taken pursuant to the Administrative Order, or to protect human health and the environment. Upon such request, U.S. EPA, in consultation with the State of Wisconsin, shall determine whether such restriction can be extinguished.

6. The most recent deed of record for the tax parcel encompassing the Facility is Document No. 1085640, recorded on January 19, 1989, in the Office of the Register of Deeds, Rock County, Wisconsin.

IN WITNESS WHEREOF, Owner has executed this Declaration of Restrictions and Covenants upon real estate as of day and year first written above.

**"OWNER"**

**Roger Frank**

STATE OF WISCONSIN) ss.  
COUNTY OF ROCK )

Before me, the undersigned, a notary public in and for said County and State, this 15<sup>th</sup> day of May, 1995, personally appeared Roger Frank and acknowledged the execution of the foregoing to be his voluntary act and deed, for the uses and purposes therein set forth.

**WITNESS my hand and notarial seal.**

Steve Anderson  
Notary Public

Stella Anderson  
Printed Name

**My Commission Expires:**

April 26, 1998

**County of Residence:**

Rock.

DEED RESTRICTION AREA  
PART OF THE SE.1/4 OF THE NE.1/4 OF SECTION 5, T.2N., R.13E. OF THE 4TH P.M.,  
LAPRAIRIE TOWNSHIP, ROCK COUNTY, WISCONSIN.

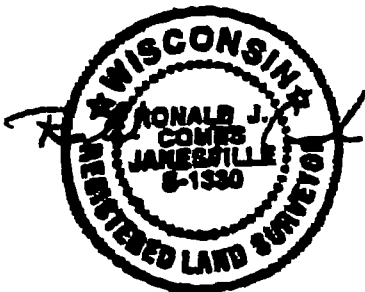
DESCRIBED AS FOLLOWS: Commencing at the East 1/4 Corner of said Section  
5; thence North (assumed) along the East Line of the NE.1/4 of said Section,  
826.64 feet; thence N.89°40'45"W. 272.43 feet to the place of beginning  
for the land to be herein described; thence continuing N.89°40'45"W. 631.74  
feet; thence N.57°21'35"E. 89.64 feet; thence N.89°-  
55'50"E. 526.86 feet; thence  
S.29°13'40"E. 60.18 feet to  
the place of beginning.  
Containing 0.67 of an acre.

NOTE: The above description is  
subject to any and all easements  
or agreements, recorded or  
unrecorded.

State of Wisconsin SS.  
County of Rock

I hereby certify that I have survey-  
ed the property described above  
for the exclusive use of Quarles &  
Brady and that to the best of  
my knowledge and belief the plat  
hereon drawn correctly represents  
said survey and its location.

Given under my hand and seal this  
23rd day of July, 1993 at Janes-  
ville, Wisconsin.



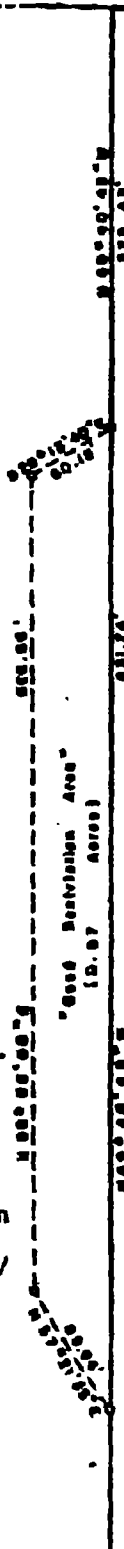
NOTE: If the above Legal Description  
is used to convey the property, it  
may be in violation of Municipal and/  
or County Subdivision Ordinances.

C.T.H.

"J"

826.64

East 1/4 Sec. 5  
of Sec. 5 - T.2N. R.13E.



LEGEND

"Sec. 5" = 360°  
1.5 in. = 1/4 in. (1/4 in. = 1/4 in.)

SCALE: 1" = 100'

EXHIBIT "A"  
Affected Real Estate

19

1263104

RECORDED  
CARD # 776  
PAGE # 13-19  
MAY 26 12 05 PM '95

DONNA L. BERKLEY  
REGISTER OF DEEDS  
ROCK CO WI 53545

Ret Brennan Saw Sun  
Box 1148  
and Janesville

22.0

DECLARATION OF RESTRICTIVE  
COVENANTS UPON REAL ESTATE

1333484

MC  
026  
6

RECORDED

JUN 20 AM 8 35

K. EYDHL LEYES  
REGISTRAR OF DEEDS  
ROOM 607 M 53545

Recording Agent

Name and Return Address

Charles Harrison  
CMC Heartland Partners  
547 W. Jackson Blvd., #1510  
Chicago, IL 60661

20.00

Parcel Identification Number (PIN)

**DECLARATION OF RESTRICTIVE  
COVENANT UPON REAL ESTATE**

THIS DECLARATION OF RESTRICTIVE COVENANT UPON REAL ESTATE (the "Declaration") is made this 30<sup>th</sup> day of May, 1997, by CMC Heartland Partners, a Delaware general partnership, ("Owner"), under the following circumstances:

WHEREAS, Owner is the title holder of certain property located in LaPrairie Township, Rock County, Wisconsin, including, but not limited to, that property, the legal description of which is set forth upon the attached Exhibit "A", which attachment is incorporated herein by reference as though fully set forth (hereinafter the "Affected Real Estate"); and

WHEREAS, on May 13, 1991, the United States on behalf of the United States Environmental Protection Agency ("U.S. EPA") issued an Order pursuant to Section 106 of the Comprehensive Environmental Response, Compensation and Liability Act, to General Motors and CMC Heartland Partners, (the "Administrative Order"); and

WHEREAS, the purpose of the Administrative Order was to, inter alia, order certain undertakings with respect to certain environmental remedial design and remedial actions (collectively the "RD/RA") to be performed on real property located in Rock County, Wisconsin, said real property being defined as the "Facility" pursuant to said Administrative Order; and

WHEREAS, the Administrative Order requires that Owner shall have placed of record certain restrictions and covenants, which restrictions and covenants shall be limited to and apply solely to the Affected Real Estate described herein, for the purpose of effecting and protecting the RD/RA to be performed on the Facility; and

WHEREAS, said restrictions and covenants shall apply solely to the Affected Real Estate and to no other real or personal property held, owned by or titled in the name of the Owner;

NOW, THEREFORE, in consideration of the foregoing, Owner hereby declares and impresses upon the Affected Real Estate, the following covenants:

1. Owner shall use its best efforts to restrict the use of and the access to the Affected Real Estate in such manner to insure that:

- a. There shall be no interference of any sort, by any person, with construction, operation, maintenance, monitoring, and efficacy of all components and structures and improvements resulting from or relating to the remedial actions implemented pursuant to the Administrative Order.
- b. There shall be no operations upon the Affected Real Estate which extract, consume or otherwise use the groundwater which underlies the Affected Real Estate, except as provided in the course of carrying out the terms of the Administrative Order.
- c. There shall be no agricultural, recreational, residential, commercial or industrial use of the Affected Real Estate including but not limited to, any excavation, grading or other activity involving movement of soils at the Facility, and any construction or placement of any residences, buildings, or structures — fixtures or otherwise — other than for the purpose of implementing, monitoring and maintaining the response action required by the Administrative Order shall be prohibited; and
- d. There shall not be construction, installation, or use of any buildings, wells, pipes, roads, ditches or any other structures — fixtures or otherwise — on the Affected Real Estate

that may affect the construction, physical integrity, operation and maintenance, or efficacy of the Work (as that term is used in the Administrative Order) undertaken pursuant to the Administrative Order including, without limitation, the Facility's security fence, cap, and groundwater monitoring systems, unless such construction, installation or use is approved in advance, in writing by U.S. EPA, in consultation with the State of Wisconsin.

2. Owner, its successors and assigns, shall faithfully observe each restriction of the covenant stated herein.

3. The covenant stated herein shall run with the Affected Real Estate and the conveyance of any interest therein, and is granted for the benefit of and shall be enforceable by U.S. EPA, its successors and assigns.

4. If the Owner, or its successors and assigns, at any time violates, threatens or attempts to violate, or fails to faithfully observe or perform the covenant upon the Affected Real Estate, it shall be lawful for U.S. EPA, in addition to other remedies available under law or equity, to institute and prosecute appropriate proceedings, judicial or other, at law or in equity for the wrong done, threatened or attempted.

5. Any person, corporation, partnership or other entity, including Owner, who is the title owner of or controls real property subject to the covenant hereof, may ask U.S. EPA for a determination that one or more of said restrictions set forth in this covenant is no longer required in order to prevent interference with construction, operation, maintenance, monitoring and efficacy of the RD/RA taken pursuant to the Administrative Order, or to protect human health and the environment. Upon such requests, U.S. EPA, in consultation with the State of Wisconsin, shall determine whether such restriction can be extinguished.



6. The most recent deed of record for the tax parcel encompassing the Facility is Document No. 1205197, Card 644, Image 970 - 981, recorded on August 10, 1997, in the Office of the Register of Deeds, Rock County, Wisconsin.

IN WITNESS WHEREOF, Owner has executed this Declaration of Restrictions and Covenants upon real estate as of day and year first written above.

CMC HEARTLAND PARTNERS, a  
Delaware general partnership

By   
Edwin Jacobson  
President

Subscribed and sworn to before me  
this 30th day of May, 1997

  
NOTARY



**Exhibit "A"**

**Part of the Southeast Quarter (SE¼) of Section 5, Township 2 North, Range 13 East of the 4th P.M., LaPrairie Township, Rock County, Wisconsin, described as follows:**

**Commencing at the East Quarter Corner of said Section 5; thence North (assumed) along the East Line of the Northeast Quarter (NE¼) of said Section, 826.64 feet; thence N 80°40'45" W 272.43 feet to the place of beginning for the land to be herein described; thence S 29°13'40" E 8.59 feet; thence S 04°11'00" W 25.78 feet; thence S 23°21'10" E 144.39 feet; thence S 17°46'25" E 46.32 feet; thence S 09°44'20" E 84.15 feet; thence S 18°34'25" W 58.21 feet; thence S 24°04'25" W 63.21 feet; thence N 88°54'25" W 204.88 feet; thence N 67°57'15" W 396.18 feet; thence N 00°28'20" W 86.84 feet; thence S 87°11'30" E 631.74 feet to the place of beginning.**

**Containing 5.35 acres.**

Exhibit A\W\wshen.Dad

**This document drafted by, and after recording please return to:**

**Charles Harrison  
Counsel  
CMC Heartland Partners  
547 W. Jackson Blvd, Suite 1510  
Chicago, Illinois 60661**